

75-2a-119 Health care directive effect on insurance policies.

- (1) If an adult makes a health care directive under this chapter, the health care directive does not affect in any manner:
 - (a) the obligation of any life or medical insurance company regarding any policy of life or medical insurance;
 - (b) the sale, procurement, or issuance of any policy of life or health insurance; or
 - (c) the terms of any existing policy.
- (2)
 - (a) Notwithstanding any terms of an insurance policy to the contrary, an insurance policy is not legally impaired or invalidated in any manner by:
 - (i) withholding or withdrawing life sustaining procedures; or
 - (ii) following directions in a health care directive executed as provided in this chapter.
 - (b) Following health care instructions in a health care directive does not constitute legal cause for failing to pay life or health insurance benefits. Death that occurs after following the instructions of an advance health care directive or a surrogate's instructions does not for any purpose constitute a suicide or homicide or legally impair or invalidate a policy of insurance or an annuity providing a death benefit.
- (3)
 - (a) The following may not require an adult to execute a directive or to make any particular choices or entries in a directive under this chapter as a condition for being insured for or receiving health care or life insurance contract services:
 - (i) a health care provider;
 - (ii) a health care facility;
 - (iii) a health maintenance organization;
 - (iv) an insurer issuing disability, health, or life insurance;
 - (v) a self-insured employee welfare or benefit plan;
 - (vi) a nonprofit medical service corporation or mutual nonprofit hospital service corporation; or
 - (vii) any other person, firm, or entity.
 - (b) Nothing in this chapter:
 - (i) may be construed to require an insurer to insure risks otherwise considered by the insurer as not a covered risk;
 - (ii) is intended to impair or supersede any other legal right or legal responsibility which an adult may have to effect the withholding or withdrawal of life sustaining procedures in any lawful manner; or
 - (iii) creates any presumption concerning the intention of an adult who has not executed a health care directive.

Amended by Chapter 107, 2008 General Session